

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

RAMON ORTEZ JR., as an  
individual

Plaintiff,

v.

STERLING INFOSYSTEMS, INC., and  
DOES 1-10 INCLUSIVE

Defendant.

CIVIL ACTION FILE NO.  
2:25-cv-00389

**COMPLAINT**

Plaintiff RAMON ORTEZ JR. files this Complaint for Damages and Demand for a Jury Trial against Defendants STERLING INFOSYSTEMS, INC. and DOES 1-10 inclusive and respectfully shows the Court the following:

**NATURE OF THE ACTION**

1. Defendant Sterling InfoSystems, Inc. (“Sterling”) is an employment screening company that furnishes employment screening reports to prospective employers. Its reports include information related to an applicant’s criminal history.

2. Plaintiff applied for employment with two different companies.

3. In January 2023, Plaintiff applied for employment to Care.com, an online marketplace that connects families with caregivers for a variety of needs, including childcare, senior care, pet care, and housekeeping.

4. In June 2023, Plaintiff applied for employment with LiveOps Agent Services, LLC (“LiveOps”), which provides U.S.-based agent services for insurance, health and human services, and retail customers.

5. In the background check reports that Defendant prepared regarding Plaintiff, Defendant reported multiple felony convictions.

6. Specifically, on the reports generated in January 2023 for Care.com and June 2023 for LiveOps, Defendant reported the following three cases (the “Three Cases”):

a. Case Reference Number: G728996, a felony conviction for Drugs – “Manufacture or Distribute Etc., Ice, Crank, Crack Cocaine – Second Offense” with a pled guilty disposition;

b. Case Reference Number: G728997, a felony conviction for “Drugs – Trafficking in Ice, Crank or Crack – 28 Grams or More, But Less Than 100 Grams – Second Offense”, with a pled guilty disposition;

c. Case Reference Number: E706899, a felony conviction for “Manufacture or Distribution Etc. Ice, Crack” with a guilty disposition;

d. Case Reference Number: C165339, a Misdemeanor conviction for Open Alcohol Container with a guilty disposition;

7. Defendant failed to disclose that Plaintiff had in fact been pardoned by The South Carolina Department of Probation, Parole, and Pardon Services for these crimes, on February 3, 2021.

8. Under the Fair Credit Reporting Act (“FCRA” 15 USC §1681 et seq.) §1681(e)(b), Defendant was required to use reasonable procedures to ensure the *maximum possible accuracy* of the information reported. Failing to report accurate and up to date information regarding criminal history is a clear violation of this statute.

9. Defendant did not have defined processes to verify the accuracy or current status of the public record information provided to Care.com and LiveOps, because information related to Plaintiff's criminal records are a matter of public record.

10. Plaintiff is informed, believes, and thereon alleges that Defendant has no procedure in place to ensure that the criminal history information it furnishes to employers and prospective employers is accurate.

11. As a direct result of Defendant's failure to verify public records, Plaintiff was denied employment by Care.com and LiveOps.

12. Plaintiff suffered and continues to suffer actual damages and emotional distress as a result of the delayed employment opportunity.

13. Accordingly, Plaintiff seeks recovery for his actual damages, including loss of earnings and emotional distress. Moreover, Plaintiff seeks statutory penalties, punitive damages, as well as attorney's fees and costs.

### **THE PARTIES**

14. Plaintiff is an individual and a consumer as defined in 15 U.S.C. § 1681(c), residing in Sumter, South Carolina.

15. Defendant is a consumer reporting agency within the meaning of the FCRA, specifically 15 U.S.C. §1681(a)(f).

16. Defendant Sterling is a consumer reporting agency and holds headquarters at 1 State Street Plaza, 24<sup>th</sup> Floor, New York, NY 10004.

### **JURISDICTION AND VENUE**

17. The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 because the claims asserted in this civil action arise under the laws of the United States, specifically 15 U.S.C. § 1681 *et seq.*, which is also known as the Fair Credit Reporting Act (“FCRA”).

18. Venue lies properly in this District pursuant to 28 U.S.C. § 1391(b)(1) and (2).

### **FIRST CAUSE OF ACTION**

#### **Violation of 15 U.S.C. § 1681e(b)**

19. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.

20. Defendant willfully and/or recklessly violated 15 U.S.C. § 1681e(b) by failing to maintain reasonable procedures to ensure maximum possible accuracy in the consumer report that it prepared regarding Plaintiff and provided to Care.com and LiveOps.

21. Defendant’s conduct was willful and/or reckless because the information regarding Plaintiff is easily verifiable and was a matter of public record; Defendant had no procedure in place to review those records; Defendant had actual knowledge of its obligations under 15 U.S.C. § 1681e(b); Defendant knew that its failure to accurate information regarding criminal records was insufficient to assure maximum possible accuracy of the criminal history information reported; and Defendant knew that consumers, like Plaintiff, would suffer adverse job action and other damages as a result of its failure to comply with 15 U.S.C. § 1681e(b).

22. Plaintiff is further informed, and believes, and thereon alleges that Defendant failed to sufficiently conduct audits, reviews, or quality control of the information it reported.

23. Alternatively, Plaintiff alleges that Defendant's violations of 15 U.S.C. § 1681e(b) were negligent.

**SECOND CAUSE OF ACTION**

**Violation of 15 U.S.C. § 1681k(a)**

24. Plaintiff hereby incorporates by reference the allegations of each and every paragraph above.

25. Plaintiff is informed and believes, and thereon alleges that Defendant willfully and/or recklessly (1) failed to follow strict procedures to ensure that the criminal history information in the consumer report that it provided to Care.com and LiveOps regarding Plaintiff was accurate and (2) at the time such public record information was reported to Care.com and LiveOps, failed to notify Plaintiff of the fact that the public record information was being reported by Defendant, together with the name and address of the person to whom such information is being reported, thereby violating 15 U.S.C. § 1681k.

26. Alternatively, Plaintiff alleges that Defendant's violations were negligent.

**PRAYER FOR RELIEF**

- a. The Court conducts a jury trial of all claims asserted herein.
- b. For statutory, compensatory, special, general, and punitive damages according to proof and as applicable against Defendant;
- c. For interest upon such damages as permitted by law;
- d. For an award of reasonable attorneys' fees provided by law under all applicable statutes;
- e. For the costs of the lawsuit; and

f. For such other orders of the Court and further relief as the Court deems just and proper.

This 22<sup>nd</sup> day of January, 2025

**DHF LAW, P.C.**  
2304 Huntington Drive, Suite 210  
San Marino, CA 91108

/s/ Devin H. Fok  
Devin H. Fok (*Pro Hac Vice*  
*application forthcoming*)  
California Bar No. 256599  
[devin@devinfoklaw.com](mailto:devin@devinfoklaw.com)  
888.651.6411

*Counsel for Plaintiff*